

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS ABANDONING A STREET EASEMENT WITHIN A 0.279 ACRE TRACT BEING OUT OF THE W.C. DUFFIELD SURVEY, ABSTRACT NO. 361, IN THE CITY OF FRISCO, DENTON COUNTY, TEXAS AS CONVEYED TO THE CITY OF FRISCO BY HERITAGE LAKES JOINT VENTURE; PROVIDING FOR SAVING, REPEALING, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City of Frisco, Texas ("City") and Heritage Lakes Joint Venture ("Heritage") entered into an agreement on the 28th day of June, 2000, which provides street easement rights and privileges for the purpose of constructing, operating, repairing, maintaining, re-building, replacing, relocating, removing street and alley pavement, sanitary sewer line, manholes, water line, valves, fire hydrants, drainage structures, drainage pipes, among other qualifying factors, that upon the completion and acceptance by the City of the Heritage Lakes, Phase 3, the City will abandon in recordable form, the existing street easement recorded in Clerk's File No. 00-R0061119, of the Real Properties Records of Denton County, Texas, a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes; and

WHEREAS, the City Council of the City of Frisco, Texas finds it is in the best interest and for the purpose of benefiting the public generally to abandon this street easement.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRISCO, TEXAS:

SECTION 1: The City of Frisco finds it is in the best interests and for the purpose of benefiting the public generally to abandon and does hereby abandon the street easement containing approximately 0.279 acres of land out of the W.C. Duffield Survey, Abstract No. 361, Denton County, Texas and recorded in Clerk's File No. 00-R0061119, Deed Records of Denton County, Texas and more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

SECTION 2: Should any part or portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided

any and all remaining portions and those provided for within this Ordinance shall remain in full force and effect.

SECTION 3: All Ordinances or provisions or Ordinances in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining provisions of conflicting ordinances shall remain in full force and effect.

SECTION 4: The caption of this Ordinance shall be published in accordance with the law and the Charter of the City of Frisco, Texas and shall be effective immediately upon its passage and such publication.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 21st day of November, 2000.

Kathleen A. Seei, Mayor

ATTEST TO
AND CORRECTLY RECORDED:

APPROVED AS TO FORM:

Nan Parker, City Secretary

Richard Abernathy, City Attorney
ABERNATHY, ROEDER, BOYD & JOPLIN, PC

Date of Publication: _____, *Frisco Enterprise*